



1A1P13 Rec'd PCT/PTO 19 SEP 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank Winkens et al.

Serial No: 10/577,280 Filing Date: April 25, 2006

Title: CAPACITIVE SENSORS FOR DETECTING THE FILLING  
LEVEL OF A MEDIUM IN A CONTAINER

September 15, 2006

Attorney's Docket No.: MSA266T2

**TRANSMITTAL LETTER**

Mail Stop: PCT  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

SIR:

Transmitted herewith for filing is:

RENEWED SUBMISSION UNDER 37 CFR 1.137(b)  
 RENEWED PETITION FOR REVIVAL OF APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)  
 STATEMENT UNDER 37 CFR 1.69  
 COPY OF DECLARATION AND POWER OF ATTORNEY FOR PATENT  
APPLICATION  
 The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16,  
1.17 and 1.18 or any additional fees which may be required during the entire pendency  
of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of  
this sheet is enclosed. If and only if(r) account funds should be insufficient, immediately  
contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to  
avoid deprivation of rights.

< > Please charge my Deposit Account No.11-0224 in the amount of \$ \_\_\_\_\_. A  
duplicate copy of this sheet is enclosed.

A signature or signatures required for the above recited document(s) is (are) provided  
herebelow. Such signature(s) also provide(s) ratification for any required signature  
appearing to be defective in the above recited document(s).

*Horst M. Kasper*

Horst M. Kasper, 13 Forest Drive, Warren, N.J. 07059  
Reg. No. 28,559 Tel.(908) 526-1717

**CERTIFICATE OF MAILING under 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service  
with sufficient postage as first class mail in an envelope addressed to: Hon. Commissioner for  
Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313

on SEP 15 2006 Signature: SEP 15 2006

Date: SEP 15 2006

%MSA226(September 15, 2006)am

Best Available Copy



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Frank Winkens et al.

Serial No: 10/577,280

Art Unit:

Filing Date: April 25, 2006

Title: CAPACITANCE SENSOR FOR DETECTING THE FILL LEVEL OF  
A MEDIUM IN A CONTAINER

Examiner:

---

September 15, 2006

Attorney's Docket No.: MSA266P2

***RENEWED PETITION FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED  
UNITENTIONALLY UNDER 37 CFR 1.137(b)***

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned because no entry into the national phase in the United States has been made within a statutory period of 30 months from a priority. Applicants hereby petition for revival of this application.

The petition fee (37 CFR 1.17(m)) in the amount of the \$750.00 was enclosed with the Petition filed on April 25, 2006.

Applicants claim small entity status.

## STATEMENT

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Respectfully submitted

Frank Winkens et al.

Date: 9-18-2006

By: Horst M. Kasper  
Horst M. Kasper, their attorney,  
13 Forest Drive, Warren, N.J. 07059  
Tel.:(908)526-1717 Fax:(908)526-6977  
Reg. No. 28,559; Docket No.: MSA266

\*% (pto/sb/64/(09-15-2006(am



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank Winkens et al.

Serial No: 10/577,280

Art Unit:

Filing Date: April 25, 2006

Title: CAPACITANCE SENSOR FOR DETECTING THE FILL LEVEL OF  
A MEDIUM IN A CONTAINER

Examiner:

---

September 15, 2006

Attorney's Docket No.: MSA266P3

***RENEWED SUBMISSION UNDER 37 CFR 1.137(b)***

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

This is in reference to a Decision on Petition under 37 CFR 1.137(b) mailed on September 6, 2006. The Decision states that a petition under 37 CFR(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The Decision continues that items (2), (3) and (4) have been satisfied. The basic national fee and petition fee have been paid. A terminal disclaimer is not required since the application was filed after June 8, 1995.

Applicants appreciate the fact that the items (2), (3) and (4) have been satisfied.

The Decision further asserts that item (1) has not been satisfied and that the applicant must state or literally mean "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Applicants enclose the Renewed Petition for Revival of Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) including the required statement.

The Decision continues that the applicants have supplied a declaration in a language other than English, but it is not on an approved USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign language text. A statement under 37 CFR 1.69 or a new oath or declaration of the inventors in compliance with 37 CFR 1.69 and 37 CFR 1.49 is required.

Applicants enclose the statement under 37 CFR 1.69

Revival of the application is respectfully requested.

Respectfully submitted

Frank Winkens et al.

Date: 9-15-2006

By:

*Horst M. Kasper*  
Horst M. Kasper, their attorney,  
13 Forest Drive, Warren, N.J. 07059  
Tel.: (908)526-1717 Fax: (908)526-6977  
Reg. No. 28,559; Docket No.: MSA266



# STATEMENT UNDER 37 CFR 1.69

at the offices of Horst M. Kasper  
13 Forest Drive  
Warren, N.J. 07059

certifies that:

- (1) He is fully conversant both with the English and German languages.
- (2) The English text of the Declaration and Power of Attorney for Patent Application dated April 4, 2006 (copy enclosed) is an accurate translation of the German language text of the Declaration and Power of Attorney for Patent Application dated April 4, 2006.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the matter with which this translation is used.

Date.: 9-15-2006

Wilhelm Herman Rohrs

\*%opt0:translat(ger(September 16, 2006

1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank Winkens et al,

Serial No: Art Unit:

Filing Date:

Title: CAPACITIVE SENSORS FOR DETECTING THE FILLING LEVEL  
OF A MEDIUM IN A CONTAINERDECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
Erklärung Für Patentanmeldungen Mit Vollmacht  
German Language Declaration MSA266

Als nachstehend benannter Erfinder erkläre ich hiermit an Eidesstatt:

As the below-named inventor, I hereby declare that:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im Nachstehenden nach meinem Namen aufgeführten Angaben entsprechen,

My residence, post office address and citizenship are as stated below next to my name,

daß ich, nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent beantragt wird für die Erfindung mit dem Titel:

KAPAZITIVE SENSOREN ZUR DETEKTION DES FÜLLSTANDES EINES  
MEDIUMS IN EINEM BEHÄLTER

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

CAPACITIVE SENSORS FOR DETECTING THE FILLING LEVEL OF A MEDIUM  
IN A CONTAINER

deren Beschreibung (nur eines der nachfolgenden Kästchen ankreuzen)

the specification of which (check only one item below)

<> hier beigefügt ist.  
is attached hereto.

<> am \_\_\_\_\_ als U.S.-Anmeldung, Seriennummer eingereicht wurde und  
am \_\_\_\_\_ abgeändert wurde (falls tatsächlich abgeändert).  
was filed as US Application Serial No. \_\_\_\_\_ on and was amended  
on \_\_\_\_\_ (if applicable).

<X> am 16. Oktober 2000 als internationale PCT-Anmeldung, Nummer  
PCT/EP00/10164 eingereicht wurde und am \_\_\_\_\_ unter PCT-  
Artikel 36 abgeändert wurde (falls tatsächlich abgeändert).  
was filed as PCT international application, Number PCT/EP00/10164 on  
October 16, 2000 and was amended under PCT Article 36 on  
\_\_\_\_\_ (if applicable)

Ich bestätige hiermit, daß ich den Inhalt der obigen Patentanmeldung einschließlich der Ansprüche durchgesehen und verstanden habe, die eventuell durch einen Zusatzantrag wie oben erwähnt abgeändert wurde.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Bundesgesetzbuch (Code of Federal Regulation), § 1.56 von Belang sind.

I acknowledge my duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Abschnitt 35 der Zivilprozeßordnung der Vereinigten Staaten, Paragraph 119 jeglicher unten angegebenen Auslandsanmeldung(en) für ein Patent oder Erfindersurkunde oder jeglicher internationalen PCT-Anmeldung(en), welche mindestens ein Land ausser den Vereinigten Staaten benennt, und habe auch jegliche Auslandsanmeldung(en) für ein Patent oder Erfindersurkunde oder jegliche internationale PCT-Anmeldung(en), welche mindestens ein Land ausser den Vereinigten Staaten benennt, nachstehend gekennzeichnet, welche von mir für den gleichen Gegenstand eingereicht wurde und ein Anmeldedatum haben, das vor dem Anmeldedatum der Anmeldung liegt, für die Priorität beansprucht wird.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN /PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 USC 119:**

**FRÜHERE AUSLÄNDISCHE/PCT ANMELDUNG(EN) UND JEGLICHE  
PRIORITÄT UNTER 35 USC 119:**

Country (if PCT, indicate PCT)	Application No.	Date of Filing (day, month, year)	Priority Claimed under 35 USC 119
Land (falls PCT, angeben)	Anmeldungsnummer	Anmeldedatum (Tag, Monat, Jahr)	Priorität unter 35 USC 119 beansprucht
Germany	DE 199 49 985.3	15. Oktober 1999	< > Yes      < > No Ja              Nein

Ich beanspruche hiermit gemäß Absatz 35 der Zivilprozeßordnung der Vereinigten Staaten, Paragraph 120, den Vorzug jeglicher unten aufgeführten U.S.-Anmeldung(en) oder die USA benennende internationale(n) PCT-Anmeldung(en) und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in dieser/diesen früheren Patentanmeldung(en) laut dem ersten Paragraphen des Absatzes 35 der Zivilprozeßordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäß Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung(en) und dem nationalen oder internationalen PCT Anmeldeatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

FRÜHERE AMERIKANISCHE ANMELDUNGEN ODER DIE USA BENENNENDE  
INTERNATIONALE PCT-ANMELDUNGEN FÜR VORRECHT UNTER 35 USC 120

U.S. APPLICATIONS		STATUS (Check one)		
U.S. Application No.	U.S Filing Date	Patented	Pending	Abandoned
AMERIKANISCHE ANMELDUNGEN		STAND (ein Kästchen ankreuzen)		
Seriennummer	Anmeldedatum	Patentiert	Anhängig	Aufgegeben
		<>	<>	<>
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT Application Number	PCT Filing Date	U.S. Ser.Nos. assigned (if any)		
DIE USA BENENNENDE PCT-ANMELDUNGEN				
PCT-Anmeldenummer	PCT-Anmeldedatum	Zugeteilte Seriennummern (falls zutreffend)		
PCT/EP00/10164	16. Oktober 2000	<>	<X>	<>

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich hiermit den nachstehend benannten Patentanwalt (oder die nachstehend benannten Patentanwälte) und/oder Patent-Agenten mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent- und Warenzeichenamt: (Name und Registrationsnummer anführen)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Horst M. Kasper (Reg. No. 28,559)  
Richard T. Laughlin (Reg. No. 17,264)

Telefongespräche bitte richten an: (Name und Telefonnummer)  
Direct Telephone Calls to: (Name and telephone number)

Horst M. Kasper  
(908) 757-2839

Postanschrift:  
Send Correspondence to:

13 Forest Drive; Warren, N.J. 07059

Ich erkläre hiermit, daß alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und daß ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, daß wissentlich und

vorsätzlich falsche Angaben gemäß Paragraph 1001, Absatz 18 der Zivilprozeßordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden können, und daß derartig wissentlich und vorsätzlich falsche Angaben die Gültigkeit der vorliegenden Patentanmeldung oder eines darauf erteilten Patentes gefährden können.

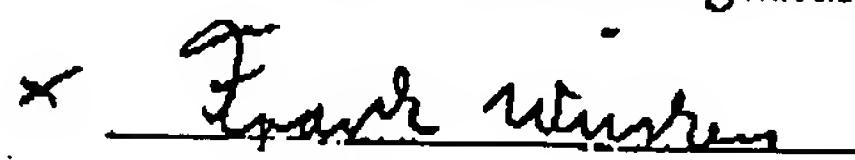
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Voller Name des ersten Erfinders:

Full name of first inventor:

Frank Winkens

Unterschrift des ersten Erfinders  
First Inventor's signature



Datum

Date

25.4.06

Wohnsitz

Residence

D-67067 Ludwigshafen  
Germany

Staatsangehörigkeit  
Citizenship

Germany

Postanschrift

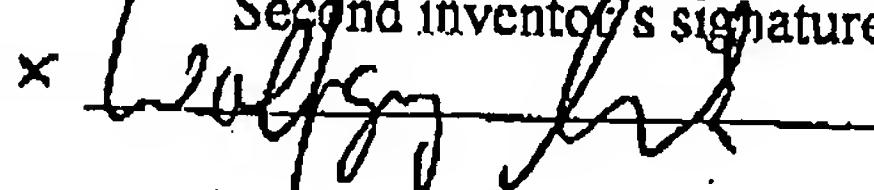
Post Office Address

Mohnstrasse 50  
D-67067 Ludwigshafen  
Germany

Voller Name des Zweiten Erfinders  
Full name of second Inventor

Wolfgang Frank

Unterschrift des zweiten Erfinders  
Second inventor's signature



Datum

Date

25.04.06

Wohnsitz des zweiten Erfinders  
Residence of second Inventor

D-68519 Viernheim  
Germany

Staatsangehörigkeit  
Citizenship

Germany

Postanschrift  
Post Office address

Alexanderstrasse 22  
D-68519 Viernheim  
Germany

PTO 1391 (10-83)  
%MSA266(4.April2006)am/hl

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**